

APPROVAL

RESOLUTION NO. A-_____

1 WHEREAS, D&A Properties, LLC, hereinafter Appellant, is constructing a child
2 care building located at 8310 Wendall Way; and

3 WHEREAS, said building contains 8,800 sq. ft. of gross floor area as defined in
4 Lincoln Municipal Code § 27.82.040; and

5 WHEREAS, the Impact Fee Administrator calculated the arterial street impact
6 fees for this use based upon the gross floor area using the Arterial Street Impact Fee
7 Schedule beginning January 1, 2004 for daycare centers (\$2,702 per 1,000 sq. ft.); and

8 WHEREAS, the Appellant filed its Notice of Appeal appealing the impact fee
9 determination and requesting that the arterial street impact fees be waived or reduced
10 as Appellant's use of the building will be a valuable economic development for the City
11 which will be lost as the cost of paying the impact fees will over-extend the financial
12 abilities of the Appellant and that strict application of the impact fee ordinance's
13 calculations under these circumstances work an unjust and undue burden on the
14 Appellant; and

15 WHEREAS, the City Council finds that there are unusual circumstances of the
16 development which demonstrate that the application of the fee to the development
17 would be unfair or unjust.

18 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
19 Lincoln, Nebraska:

1 That the impact fee Notice of Appeal filed by D&A Properties, LLC, on
2 September 30, 2004 is hereby approved and the arterial street impact fees are hereby
3 waived.

Introduced by:

Approved as to Form:

City Attorney

Approved this ____ day of _____, 2004:

Mayor